



Atty. Dkt. No. 016777-0309

***IN THE UNITED STATES PATENT AND TRADEMARK OFFICE***

Applicant: Kaare M. GAUTVIK, et al.  
Title: Production of Human Parathyroid  
Hormone From Microorganisms  
Appl. No.: 09/287,332  
Filing Date: April 7, 1999  
Examiner: R. Landsman  
Art Unit: 1647

**TERMINAL DISCLAIMER**

Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Your Petitioner, NPS Allelix Corp., having its principal place of business at 6850 Goreway Drive, Mississauga, Ontario, L4V 1V7, Canada, hereinafter represents that it is the owner of the entire right, title, and interest in and to U.S. Patent Application Serial No. 09/287,332, filed April 7, 1999, which is a continuation application of U.S. Patent Application No. 08/340,664, filed November 16, 1994, which is a divisional application of U.S. Patent Application No. 08/087,471, filed July 2, 1993, now U.S. Patent No. 5,420,242, which is a continuation application of 07/821, 478, filed January 15, 1992, now abandoned, which is a continuation application of 07/404,970, filed September 8, 1989, now abandoned, which is a continuation-in-part application of 07/363,851, filed August 14, 1989, now U.S.

01/08/2004 WABDELRI 00000071 09287332

02 FC:1814

110.00 DP

-1-

Patent No. 5,010,010, which is a continuation application of 06/921,684, filed October 22, 1986, now abandoned. Further, your Petitioner represents that it is the owner of U.S. Patent No. 5,420,242, which issued on U.S. Patent Application No. 08/087,471, filed July 2, 1993, which is a continuation of U.S. Patent Application Serial No. 07/821,478, filed January 15, 1992, now abandoned, which is a continuation of U.S. Patent Application Serial No. 07/404,970, filed September 8, 1989, now abandoned, which is a continuation-in-part of U.S. Patent Application Serial No. 07/393,851, filed August 14, 1989, now U.S. Patent No. 5,010,010, which is a continuation of U.S. Patent Application Serial No. 06/921,684, filed October 22, 1986, now abandoned, by virtue of the Assignments filed and recorded on October 22, 1986, on Reel/Frame 4763/822, April 15, 1993, on Reel/Frame 6498/429, November 20, 1997, on Reel/Frame 8800/0559, May 4, 1999, on Reel/Frame 9935/0404, and July 27, 2000, on Reel/Frame 011002/0771, in the United States Patent and Trademark Office, the copies of which are attached hereto as APPENDIX A.

Your Petitioner, NPS Allelix Corp., hereby disclaims the terminal part of the term of any patent granted on the above identified patent application which would extend beyond the full statutory term, as presently shortened by any terminal disclaimer, of U.S. Patent 5,420,242, and hereby agrees that any patent so granted on the above identified patent application shall be enforceable only for and during such period that the legal title to U.S. Patent 5,420,242 shall be the same as the legal title to any patent granted on the above identified patent application, this agreement to run with any patent granted on the above identified patent application and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, Petitioner does not disclaim any terminal part of any patent granted on the above identified patent application, prior to the full

statutory term of U.S. Patent 5,420,242 as defined in 35 U.S.C. §§154-156 and 173, in the event that U.S. Patent 5,420,242 expires for failure to pay a maintenance fee, is held unenforceable or is found invalid in a final judgment by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321(a), has all claims canceled by a reexamination certificate or as a result of an interference proceeding, or is otherwise not deemed to provide the rights conveyed by 35 USC §154, prior to the full statutory term of U.S. Patent 5,420,242 as defined in 35 USC §§154-156 and 173, except for the separation of legal title stated above. Further, Petitioner does not disclaim any terminal part of a patent granted on the above identified patent application that would extend beyond the present termination of U.S. Patent 5,420,242, in the event that such present term is extended by virtue of compliance with the conditions for term extension of any present or future patent term extension provisions of the patent law, including but not limited to 35 U.S.C. §§155, 155A or 156, and without waiving Petitioner's right to extend the term of a patent granted on the above identified patent application to the extent provided by law.

The undersigned, being the Attorney of Record for the above identified patent application, and duly authorized to act on behalf of Petitioner, certifies that she has reviewed the Assignments attached as APPENDIX A, and to the best of her knowledge and belief, legal title to the above identified patent application and U.S. Patent 5,420,242 rests with Petitioner, NPS Allelix Corp. The undersigned declares that all statements made herein of their own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United

States Code, and that such willful false statements may jeopardize the validity of the above-identified application or any patent issuing therefrom.

Respectfully submitted,

Date Dec 31, 2003

By Michele M. Simkin

FOLEY & LARDNER  
Washington Harbour  
3000 K Street, N.W., Suite 500  
Washington, D.C. 20007-5143  
Telephone: (202) 672-5538  
Facsimile: (202) 672-5399

Michele M. Simkin  
Attorney for Applicant  
Registration No. 34,717